

REMARKS/ARGUMENTS

Favorable reconsideration of the above-identified patent application, in light of the above amendments and the following remarks is respectfully requested. The presently pending claims are claims 1-15. Claims 1, 8, and 15 have been amended.

In paragraphs 1 and 2 of the Office Action, the Examiner approved the proposed drawing correction. The Applicant is submitting a replacement sheet of the approved changes.

In paragraphs 3 and 4, the Examiner rejected claim 15 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Examiner stated that it appears as if the word "third" should be inserted between the first instance of the word "the" and the word "leg." In response, the Applicant respectfully disagrees. In line 9 of the amended claim, after the first instance of the word "the" is the word "third." However, the Applicant has amended claim 15 to include the word "leg" after the second use of the word "third" in line 9. Therefore, the withdrawal of the rejection and the allowance of claim 15 is respectfully requested.

In paragraphs 5 and 6 of the Office Action, the Examiner rejected claim 8 under 35 U.S.C. 102 (b) as being anticipated by U.S. Patent No. 3,232,686 to Syler (Syler). In response, the Applicant has amended 8 to better differentiate Applicant's invention from Syler. The Examiner stated that claim 8 is rejected, "as best understood with the above cited indefiniteness." The Examiner only rejected claim 15 under U.S.C. 112. In regards to Syler, Syler merely discloses a container which tilts underneath a platform. Syler does not disclose a basket which slides out horizontally. The Applicant's claimed invention, on the other hand, allows the horizontal sliding

outwardly of the basket from underneath a seat. Therefore, the withdrawal of the rejection and the allowance of claim 8 is respectfully requested.

In paragraphs 7 and 8, the Examiner rejected claims 1-3, 6, and 8-9 under U.S. C. 103(a) as being unpatentable over U.S. Patent No. 4,489,448 to Cairo (Cairo) in view of U.S. Patent No. 2,885,694 to (Ulm). The Examiner stated that Cairo discloses all the elements of the claimed invention with the exception of a basket slidably mounted under the underside of a horizontal surface.

In response, the Applicant has amended independent claims 1 and 8 to better differentiate Applicant's invention from the cited references. The Examiner stated that claims 1-3, 6, and 8-9 are rejected, "as best understood with the above cited indefiniteness." The Examiner only rejected claim 15 under U.S.C. 112. Therefore, there is no cited indefiniteness for claims 1-3, 6, 8, and 9. In regards to Cairo, the Examiner stated that Cairo discloses a portable seat assembly. The Applicant respectfully disagrees. Cairo merely discloses a foot support, not a support for a person. The entire purpose of Cairo is to assist a bathing individual in supporting his foot in a shower stall. If Cairo were modified to a sitting surface, the entire primary purpose of Cairo supporting the foot would be removed. Additionally, Ulm merely discloses a bed, not a sitting surface. Additionally, the bed is for use by a person lying down in a room, not in a shower stall. The combined teachings of Ulm and Cairo do not teach or suggest the Applicant's claimed invention.

Claims 2, 3, and 6 depend from amended independent claim 1 and recite additional limitations in combination with the novel elements of claim 1. Additionally, claim 9 depends from amended independent claim 8 and recites additional limitations in combination with the novel elements of claim

9. Therefore, the withdrawal of the rejection and the allowance of claims 1-3, 6, and 8-9 is respectfully requested.

In paragraph 9, the Examiner rejected claims 4, 5, and 15 under 35 U.S.C. 103 (a) as being unpatentable over Cairo in view of Ulm, as applied to claim 1 above, and in further view of U.S. Patent No. 1,856,847 to Gates (Gates). The Examiner stated that it would have been obvious to one of ordinary skill in the art at the time of the instant invention to modify Cairo, as modified, with the addition of the article holder taught by Gates.

In response, the Applicant has amended independent claims 1 and 15 to better differentiate Applicant's invention from the cited references. As stated above, Cairo merely discloses a foot support, not a seat for a person. The entire purpose of Cairo is to assist a bathing individual in supporting his foot in a shower stall. If Cairo were modified to a sitting surface, the entire primary purpose of Cairo supporting the foot would be removed. Additionally, Ulm merely discloses a bed, not a sitting surface. Additionally, the bed is for use by a person lying down in a room, not in a shower stall. The combined teachings of Ulm and Cairo do not teach or suggest the Applicant's claimed invention. Claims 4 and 5 depend from amended independent claim 1 and recite additional limitations in combination with the novel elements of claim 1. Therefore, the withdrawal of the rejection and the allowance of claims 4, 5, and 15 is respectfully requested.

In paragraph 10, the Examiner rejected claims 7 and 10 under 35 U.S.C. 103 (a) as being unpatentable over Cairo in view of Ulm, as applied to claims 1 and 8 above, and in further view of U.S. Patent No. 5,640,723 to Stanek (Stanek). The Examiner state that it would have been obvious

to one of ordinary skill in the art at the time of the instant invention to add holes to the basket revealed by Cairo, as modified.

In response, the Applicant has amended independent claims 1 and 8 to better differentiate Applicant's invention from the cited references. The Examiner stated that claims 7 and 10 are rejected, "as best understood with the above cited indefiniteness." The Examiner only rejected claim 15 under U.S.C. 112. Therefore, there is no cited indefiniteness for claims 7 and 10. Cairo merely discloses a foot stool, not a seat for a person to sit. In addition, Ulm only discloses a bed. As amended, the combined teachings of Cairo, Ulm, and Stanek do not disclose the Applicant's claimed invention. Claim 7 depends from amended independent claim 1 and recites additional limitations in combination with the novel elements of claim 1. In addition, claim 10 depends from amended independent claim 8 and recites additional limitations in combination with the novel elements of claim 8. Therefore, the withdrawal of the rejection and the allowance of claims 7 and 10 is respectfully requested.

In paragraph 11, the Examiner rejected claims 11 and 12 under 35 U.S.C. 103 (a) as being unpatentable over Cairo in view of Ulm, in further view of Stanek, as applied to claim 10 above, and still in further view of Gates. The Examiner stated that it would have been obvious to one of ordinary skill in the art at the time of the instant invention to modify Cairo, as modified, with the addition of the article holder taught by Gates.

In response, the Applicant has amended independent claim 8 to better differentiate Applicant's invention from the cited references. The Examiner stated that claims 11 and 12 are rejected, "as best understood with the above cited indefiniteness." The Examiner only rejected claim 15 under U.S.C.

112. Therefore, there is no cited indefiniteness for claims 11 and 12. As discussed above, Ulm merely discloses a bed with a drawer underneath it while Cairo discloses a foot stool. As amended, the combined teachings of the references do not disclose the Applicant's claimed invention. Claims 11 and 12 depend from amended independent claim 8 and recites additional limitations in combination with the novel elements of claim 8. Therefore, the withdrawal of the rejection and the allowance of claims 11 and 12 is respectfully requested.

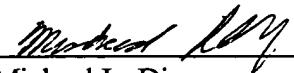
In paragraph 12, the Examiner rejected claims 13 and 14 under 35 U.S.C. 103 (a) as being unpatentable over Cairo in view of Ulm, in further view of U.S. Patent No. 5,096,249 to Hines (Hines).

In response, the Applicant has amended independent claim 8 to better differentiate Applicant's invention from the cited references. The Examiner stated that claims 13 and 14 are rejected, "as best understood with the above cited indefiniteness." The Examiner only rejected claim 15 under U.S.C. 112. Therefore, there is no cited indefiniteness for claims 13 and 14. As discussed above, Ulm merely discloses a bed with a drawer underneath it while Cairo discloses a foot stool. As amended, the combined teachings of the references do not disclose the Applicant's claimed invention. Claims 13 and 14 depend from amended independent claim 8 and recites additional limitations in combination with the novel elements of claim 8. Therefore, the withdrawal of the rejection and the allowance of claims 13 and 14 is respectfully requested.

CONCLUSION

For all the above reasons, the Applicant respectfully requests the reconsideration and withdrawal of the rejection and the allowance of claims 1-15.

Respectfully submitted,



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